

## CHAPTER XIV

### MISCELLANEOUS

#### **211. Power to levy fee-**

Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of document, issue of certificate, licences, permits, tests, endorsements, badges, plates, countersignatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made there under as may be considered necessary.

Provided that the Government may, if it considered necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.

#### **212. Publication commencement and laying of rules and notifications-**

- (1) The power to make rules being made after previous publication.
- (2) All rules made under this Act shall be published in the Official Gazette, and shall unless some later date is appointed, come into force on the date of such publication.
- (3) Every rule made by any State Government shall be laid, as soon as may be after it is made before the State Legislature.
- (4) Every rule made by the Central Government under this Act, every scheme made by the Central Government under sub-section (1) of section 75 and sub-section (1) of section 163 and every notification issued by the Central Government under sub-section (4) of section 41, sub-section (1) of section 58, sub-section (1) of section 59, the proviso to sub-section (1) of section 112, 1[sub-section (4) of section 163A] and sub-section (4) of section 213 shall be laid, as soon as may be after it is made, before each House of Parliament while it is in

session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, scheme or notification.

### **213. Appointment of motor vehicles officers-**

- (1) The State Government may, for the purpose of carrying into effect the provisions of this Act, establish a Motor Vehicle Department and appoint as officers thereof such persons as it thinks fit.
- (2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860)
- (3) The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers.
- (4) The Central Government may having regard to the objects of the act, by notification in the Official Gazette prescribe the minimum qualifications which the said officers or any class thereof shall possess for being appointed as such.
- (5) In addition to the power that may be conferred on any officer of the Motor Vehicles Department under subsection (3), such officer as may be empowered by the State Government in this behalf shall also have the power to-
  - (a) make such examination and enquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;
  - (b) with such assistance if any as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he is reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept.

Provided that-

- (i) any such search without a warrant shall be made only by an officer of the rank of a Gazette officer;
  - (ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;
  - (iii) where the search is made without a warrant a warrant, the Gazetted Officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;
- (c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;
  - (d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;
  - (e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any Court; a bond for ensuring the attendants of the offender before any Court;
  - (f) exercise such other powers as may be prescribed.

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

- (6) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall so far as may be apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 94 of that Code.

## **214. Effect of appeal and revision on orders passed by original authority-**

- (1) Where an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority otherwise directs.

- (2) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.
- (3) No order made by a competent authority under this Act shall be reversed or altered on appeal or revisional authority, as the case may be, that such error, omission or irregularity has, in fact, occasioned a failure of justice.

## **215. Road Safety Councils and Committees-**

- (1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such terms and conditions as that Government may determine.
- (2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.
- (3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.
- (4) The Council and committees referred to in this section shall discharge such functions relating to the road safety programs as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.

## **216. Power to remove difficulties-**

- (1) If any difficulty arises in, giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of

## 217. Repeal and savings-

- (1) The Motor Vehicle Act, 1939 (4 of 1939), and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to as the repealed enactments) are hereby repealed.
- (2) Notwithstanding the repeal by sub-section (1) of the repealed enactments,-
  - (a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted, or any confiscation made, or any penalty or fine imposed, any forfeiture cancellation or any other thing done, or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act;
  - (b) any certificate of fitness or registration or license or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed;
  - (c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provision of this Act;
  - (d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (6) of section 41 of this Act is issued;
  - (e) any scheme made under section 68 C of the Motor Vehicle Act, 1939 (4 of 1939), or under the corresponding law, if any, in force in any State and pending immediately before the commencement of this Act shall be disposal of in accordance with the provisions of section 100 of this Act;
  - (f) the permits issued under sub-section (1A) of section 68F of the Motor Vehicles Act, 1939 (4 of 1939), or under the corresponding provision, if any, in force in any State immediately before the commencement of this Act shall continue to remain in force until the approved scheme under Chapter VI of this Act is published.

- (3) Any penalty payable under any of the repealed enactments may be recovered in the manner provided by or under this act, but without prejudice to any action already taken for the recovery of such penalty under the repealed enactments.
- (4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897), with regard to the effect of repeals.